

REMARKS

Status of the Claims

The Office action dated January 5, 2011 rejects claims 1-14 and 16-17 under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 7,039,952 to Bender *et al.* (“Bender”). The Office action also rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Bender as applied to claim 1 and further in view of U.S. Patent No. 7,194,768 to Kisliakov (“Kisliakov”). The Office action also objects to the specification for informalities.

Applicants hereby amend claims 1, 3, 5-6, 8-9, 11-13 and 16-17, and cancel claim 7 in compliance with 37 C.F.R. §1.121(c). Support for the amendments is located throughout the June 6, 2008 Clean Copy of the Specification, for example, on 2:5-11, 5:22-28, 7:14-18 and 10:31-11:3.¹ In view of the amendments and following remarks, Applicant respectfully submits that claims 1-6 and 8-17 are in condition for allowance.

Objection to the Specification

The Office action objects to the specification, because it “contains an embedded hyperlink and/or other form of browser-executable code within pages 3 and 4.” (Office action at 2). Applicants hereby remove all references to hyperlink and URL references from the specification. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

¹ The format of the citations represents [page]:[line(s)].

Rejection of Claims 1-14 and 16-17 under 35 U.S.C. § 102(e) by Bender

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bender. For a claim to be anticipated under 35 U.S.C. § 102(e), the reference must disclose each and every limitation in the claim. Applicants respectfully submit that Bender does not disclose every element of the claimed invention as amended.

Regarding independent claim 1, Applicants' claimed invention includes, in part:

an access means for accessing digital media contents from a data source, the access means located in a single housing;

an authentication means for controlling access to the digital media contents, the authentication means located in the single housing; and

an internal communication path between the access means and the reader, the internal communication path being not directly accessible from outside the device.

For example, Figure 6 of Applicants' application illustrates a "secure reader" that includes a "Digital Media Reader," a "Smart Card Reader," and an internal "Communication Channel." Both the "Digital Media Reader" and the "Smart Card Reader" are accommodated inside the same housing. (See, e.g., Applicants' June 6, 2008 Specification at page 5, lines 22-28). The "Digital Media Reader" can interface with a data source (e.g., a flash drive, SM card, etc.) in order to provide access to the digital media contents stored on the data source. (See, e.g., *id.* at page 5, line 22 – page 6, line 3). The "Smart Card Reader" can interface with a "Smart Card" in order to authenticate whether access to the digital media contents is allowed. (See, e.g., *id.* at page 6, line 27 – page 7, line 5). The "internal communication path" can be used to guarantee the secure transfer of the authentication data from the "Smart Card Reader" to the "Digital Media Reader," thus allowing for no snooping by external parties. (See, e.g., *id.* at page 6, lines 12-20,

27-30). Accordingly, secure data communication within the secure reader can be accomplished with a very high level of security.

Applicants respectfully submit that Bender at least does not disclose an “access means” and an “authentication means” both located in the same housing. Briefly, the Office action asserts that the card reading device and the verification device of Bender correspond, respectively, to the “access means” and “reader” elements of claim 1. (Office action at 3). As amended, claim 1 recites an “access means” and an “authentication means” both located in the same housing. In contrast, Bender does not disclose or make obvious that the card reading device and the verification devices are housed in the same housing. In fact, Bender suggests that the card reading device and the verification devices are different units that are separately coupled to the computing device. (Bender at 5:35-6:2, Figure 6).

Therefore, Applicants respectfully submit that independent claim 1 is not anticipated by Bender as Bender does not disclose or make obvious access means and authentication means both located in the same housing. Applicants also submit that claims 2-6, 8-14 and 16-17 also define patentable subject matter as each depends, either directly or indirectly, from an allowable independent claim. Applicants hereby cancel claim 7, thereby rendering the rejection to this claim moot.

Rejection of Claim 15 under 35 U.S.C. § 103(a) over Bender in view of Kisliakov

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bender as applied to claim 1 and further in view of Kisliakov. Claim 15 depends directly from independent claim 1. With respect to claim 1, Applicants note that Kisliakov does not cure the deficiencies, described above, of Bender. In particular, Kisliakov does not disclose or make obvious, alone or in combination with Bender, access means and authentication means both located in the same

housing. Therefore, Applicants submit that claim 15 is allowable, because it depends from an allowable independent claim.

Conclusion

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable nor does it imply that the claims were not allowable in their unamended form.

In view of the foregoing remarks and the inability of the prior art, alone or in combination to disclose or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. The Examiner is cordially invited to call the undersigned attorney at (617) 526-9615 to discuss the application.

Respectfully submitted,

Date: June 17, 2011
Reg. No.: 67,141
Tel. No.: (617) 526-9615
Fax No.: (617) 526-9899

/Stephen M. Kohen #67,141/
Stephen M. Kohen
Attorney for the Applicant
Proskauer Rose LLP
One International Place
Boston, MA 02110-2600